

REMARKS

At the outset, Applicants thank Examiner Yaen for the courtesies extended during the telephonic conferences with Eileen Falvey on June 8, 2004 and Adriane Antler and Eileen Falvey on June 14, 2004 in which the Restriction Requirement was discussed. In particular, Examiner Yaen explained the aspect of the Restriction Requirement which requires Applicant to elect for examination, upon election of Group XV, (i) a single compound from claims 85-92 and (2) a SEQ ID NO. from claim 112. During the interview, Examiner Yaen indicated that he would consider regrouping the compounds from claims 85-92 into a single group. In addition, Examiner Yaen further explained that, upon election of a single SEQ ID number from claim 112, claim 112 should be amended to delete the other SEQ ID numbers, but that independent claim 80 need not be amended. The following election and remarks made herein reflect the content of those conferences.

In response to the Restriction Requirement, Applicant hereby elects to prosecute the claims of Group XV (claims 80, 81, 83, 85-92, 94-96, and 104-112), drawn to a method for identifying a compound that modulates an HSP- α 2M receptor-mediated process, comprising contacting a test compound with a ligand-binding fragment of an α 2M receptor, and a purified heat shock protein, or a binding fragment thereof, or a purified HSP-peptide complex; and measuring the level of HSP binding activity, HSP uptake activity, or HSP-mediated antigen representation activity, classified in class 436, subclass 500.

As noted above, upon election of Group XV, the Examiner has required an election of a (1) single compound for examination from claims 85-92, and (2) a single SEQ ID Number from claim 112. Applicants respectfully traverse the first aspect of the requirement, and request a modification of the Restriction Requirement so that the methods and test compounds of claims 85-92 are examined together in the instant application. Applicants submit that there is no serious burden on the Examiner to examine the screening methods and test compounds of claims 85-92 together in one application. According to Section 803 the M.P.E.P. (Eighth Edition, Revision February 2003), "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Claims 85-92 recite methods for screening various test compounds for their ability to modulate HSP-receptor activity. Each of these claims is directed to a method for identifying a compound

that modulates an HSP- α 2M receptor-mediated process, and each involves the steps of (a) contacting a test compound with a ligand-binding fragment of an α 2M receptor and a heat shock protein, or a binding fragment thereof, or a purified HSP-peptide complex; and (b) measuring the level of HSP binding activity, HSP uptake activity, or HSP-mediated antigen representation activity. The test compounds may include antibodies, small molecules, and peptides, as specifically recited in claims 85-87, claim 88, and claims 89-92, respectively. Since Applicants believe that a search of the art for the method recited in claim 80 will necessarily result in a complete search of art related to the methods recited in the claims 85-92, Applicants submit that it would be no burden on the Examiner to examine these claims in a single application.

In order to be fully responsive, however, Applicants provisionally elect to pursue Group XV (claims 80, 81, 83, 85-92, 94-96, and 104-112), the test compound of claim 88 (a small molecule) and SEQ ID No. 21 from claim 112 for examination.

Entry of the remarks made herein is respectfully requested.

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Respectfully submitted,

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